



## F-1 Optional Practical Training

### What is Optional Practical Training?

Optional Practical Training (OPT) is temporary employment/training directly related to the student's major area of study. A person can request OPT:

- during an annual vacation and at other times when school is not in session, only if the student is currently enrolled, and is eligible for registration and intends to register for the next term or session;
- while school is in session, provided that practical training does not exceed 20 hours a week while school is in session;
- or after completion of the course of study, or, for a student in a bachelor's, master's, or doctoral degree program, after completion of all course requirements for the degree (excluding thesis or equivalent).

Optional practical training must be requested up to 90 days prior and not more than 60 days after the completion of all course requirements for the degree or prior to the completion of the course of study. A student must complete all practical training within a 14-month period following the completion of study. The OPT application must be submitted to USCIS within 30 days of the date the school enters the recommendation for OPT into the SEVIS Record.

F-1 regulations state that an F-1 student is entitled to a 12-month period of Optional Practical Training after each higher degree program level. Application for authorization for Optional Practical Training must be request before completion of the degree program. All authorized Optional Practical Training will be counted toward each 12-month limit. Students enrolled in English language programs are not eligible for Optional Practical Training.

### Optional Practical Training before Completion of a Degree Program

Eligibility requirements for Optional Practical Training before completion of a degree program are:

- a student must be in full-time student status for at least one academic year (a Fall and Spring semester);
- a student has, and currently is maintaining a full-time program of study; a student is maintaining valid F-1 status;
- and, a student must intend to work in a job directly related to the student's course of study.

A job offer is not required to request OPT

If the above eligibility requirements are met, Optional Practical Training can be requested and authorized through OISS (Office of International Students and Scholars) and USCIS (United States Citizenship and Immigration Services) as follows:

1. While school is in session: OPT (Optional Practical Training) can be authorized for 20 hours per week. The period authorized will be deducted from the 12-month total at a rate of one half month for each month authorized;

2. During vacation periods: OPT may be authorized either part-time or full-time;
3. After completion of all course requirements for a degree: OPT may be authorized for either part-time or full-time (depending on the situation).

Once OPT has been approved, it cannot be rescinded after the beginning date of the work authorization. A student may want to wait until a job offer has been made to guarantee usage of OPT. The time approved, whether a student works or does not work, is deducted for the 12-month total allowed by USCIS.

### **Optional Practical Training after Completion of a Degree Program**

Eligibility requirements for after completion of a degree program OPT are:

- student must be in valid student status for at least one academic year (a Fall and Spring semester);
- student has and currently is maintaining a full-time program of study,
- student must be maintaining valid F-1 status,
- have completed or about to complete a course of study/degree program and,
- student must intend to work in a job directly related to the student's course of study.

A job offer is not required to request OPT. OPT must end 14 months from your completion of study's date. Completion of study date can either be the graduation date or the date a student (usually graduate student) completes the degree requirements and submits the final thesis/dissertation final complete to the registrars office (check with the international student advisor).

After completion of a studies/degree program, OPT may be authorized for any period up to the maximum amount allowed (12 months) or the time remaining (other OPT deducted from 12 months). For example, if a student did not use OPT during his course of study, the student will have 12 months available; or, a student may have used only 6 months of OPT and saved the other 6 months for completion of another degree program; or, if a student has used several months of OPT before the completion of the degree program, the remainder of months not used can be requested.

Please note: Regulations prohibit a student from working full time on after completion of studies and studying (even part-time). For example, working at a company for 40 hours and taking graduate course for a new degree program is prohibited while on OPT.

Students on post-completion OPT may not accrue an aggregate of more than 90 days of unemployment under the initial 12-months period of OPT. Students granted a 17-month OPT extension may not accrue an aggregate of more than 120 days of unemployment during the total 29-month OPT period.

### **Application Process for 12-Month OPT**

Application for after completion-of-program OPT must be made within 90 days before completion of study and no later than 60 days after completion of study. The following information and forms are required to apply. All forms can be obtained at the Office of International Students and Scholars, 32 Sayre Drive, Coxe Hall. Processing time at USCIS will take up to 90 days. Apply early. A student can file this application either through a paper/mail in process with USCIS or E-filing the application to USCIS (see below).

Please note the 150-day application period for OPT is very important. The student must apply within this time. NEITHER ISS NOR USCIS WILL PROCESS APPLICATIONS SUBMITTED AFTER THESE APPLICATION PROCESSING TIMES.

#### **Paper Filing**

Please complete the forms included in the packet. Bring them with you to a final appointment at the ISS

office. ISS will copy all the information to your file.

- A letter from the academic advisor stating (form attached) student has completed the program on a particular date or is about to complete all requirements for the degree on a particular date; student has been a full-time student; and, the advisor recommends the student be granted the OPT (before or after completion of program). For before completion of program OPT, the academic advisor should state student has been full-time, progressing toward the degree and recommends the OPT (form to completed by advisor enclosed in packet).
- Completed I-765 (<http://uscis.gov/graphics/formsfee/forms/index.htm> or pick up at OISS). When completing I-765, please indicate OISS address 32 Sayre Drive Coxe Hall, Bethlehem, PA 18015.
- Completed ER-750
- Acknowledgement of Responsibilities
- Two passport size photos (do not cut photos see I-765 for instructions on size etc.). On the back of each photograph, in pencil, print your name and your I-94 number. Suggestions to get photos: AAA, Catholic Social Agency, (530 Union Blvd, Allentown, PA 18109, call first to schedule a time for the photograph to be taken), Sears, J.C. Penny, and Photo Studios (phonebook).
- All I-20's (all I-20's, front and back [page3 from SEVIS I-20 or page 4 from old I-20's] must be copied and submitted with application, even I-20's from other schools).
- Passport, U.S. entry visa and I-94 (copies of your passport, visa and I-94 must be sent with the application. We will not send the original forms to immigration.)
- Check for \$ 340 made payable to USCIS
- Cash or check for \$15 made payable to Lehigh University (optional FedEx fee)

The international student advisor will review the information. If all is correct, the advisor will complete the appropriate forms and enter the I-20 recommendation into the SEVIS database. A new I-20 with the OPT recommendation will be issued. The letter from the adviser is retained in the student's file. A copy of all I-20's (front and back) are sent with the completed application (above forms) to USCIS (Immigration) Service Center servicing either the area of the school the student attended or the student's place of residence. The original I-20 is returned to the student. USCIS will review the application. If all is acceptable, USCIS will issue a plastic photo ID card, "Employment Authorization Document" (EAD) valid for the OPT period requested on the back of the student I-20. The EAD card will be sent to the address listed on the I-765. Therefore, if you are moving within the next three months, indicate an address where the mail can be delivered. The Post Office will not forward Immigration Documents. Please do use the International Students and Scholars address on the I-765.

### **E-Filing:**

Please go to the immigration website that will explain in detail on how to file electronically.

<http://www.immigration.gov/graphics/formsfee/forms/efiling.htm>

E-filing is a new procedure that USCIS instituted for several immigration applications. Follow the electronic filing instructions (if you qualify). Once you receive the receipt, you will need to call and make an appointment with the Appointment Center in Philadelphia. You will then need to go in person to this office to complete the process. Please note: You may need to provide documents that support your application. Therefore, you will most likely need to take many of the above paper-required items with you when you go for your appointment.

NOTE: Employment is not permitted until the student receives the EAD. Working before receiving the EAD is considered illegal employment by USCIS. USCIS will consider the work as a violation of F-1 status.

### **Application Process for 17-Month OPT Extension**

- Completed I-765 (<http://uscis.gov/graphics/formsfee/forms/index.htm> or pick up at OISS).
- Student must have a job offer from an employer registered with the E-Verify employment verification system. (On the I-765 you must indicate the employers E-Verify Certification Number)
- Two passport size photos
- Copy of Diploma in a STEM (Science, Technology, Engineering, and Mathematics) Designated Degree Program from a SEVIS-certified US College or University. Student must have completed a bachelor's, masters or doctoral degree.
- Copy of approved EAD card and last I-20 page 1 and 3.
- Copy of employer letter – students must be currently working for a US employer in a field directly related to the student's field of study
- Passport, U.S. entry visa and I-94 (copies of your passport, visa and I-94 must be sent with the application. We will not send the original forms to immigration.)
- Check for \$ 340 made payable to USCIS

The International Student Advisor will recommend the 17-month OPT extension in SEVIS after verifying the student's eligibility, certifying that the student's degree is on the STEM Designated Degree Program List, and ensuring that the student is aware of his or her responsibilities for maintaining status while on OPT. The application must be filed up to 90 days before the expiration date of the previous EAD card. The student must not have had a previous 17 month extension. If the person files a timely application the student may continue employment while the extension application is pending, until a final decision is made, or for 180 days whichever comes first. The employer must agree to report the termination or departure of the student to the International Student Office or through any other process chosen by the Department of Homeland Security.

### **Reporting Requirements for Students and Employers While on OPT (12-month and 17-month extension options)**

All students on OPT (12 month and 29 month option) must report to the international student office within 10 days of change the following:

- Any change in name or address
- Name and address of their employer
- Any change to the name and address of the employer
- Any interruption of employment

Students who are approved the 17 month extension of OPT must also make a validation report to the international office every six months starting on the date the extension begins and ending when the OPT ends. The validation is a confirmation that the student's name and address, employer name and address, and/or loss of employment are current and accurate.

The employer of a student with an approved 17 month OPT extension must agree to report the termination or departure of the student to the International Student Office of the student's former school or through "any other means or process identified by the Department of Homeland Security."

### **Elimination of H-1B Cap Gap**

The H-1B "cap-gap" occurs when an F-1 student's status and OPT work authorization expires during the current fiscal year before the student can start approved H-1B employment during the next immigration fiscal year begins on October 1. Under the new rule, a student currently on OPT who is a beneficiary of a timely-filed H-1B petition that requests an employment start date of October 1 of the following fiscal year will have his or her duration of status and OPT employment authorization automatically extended to October 1.

The extension of duration of status and work authorization would automatically terminate upon the rejection, denial or revocation of the H-1B petition that was filed on the student's behalf. Should the pending H-1B petition ultimately be denied, the student will have a sixty day grace period from the notification date of the denial to depart the United States, obtain admission to a new F-1 SEVIS approved school, or file an application for a change of status. This rule applies to all students not just STEM Students.

## **Additional Considerations**

### Non-Cancellation of Optional Practical Training

Once authorization to engage in OPT is granted, it most likely will not be rescinded or canceled after the beginning date of the work authorization. This means that unexpected delays such as completing degree requirements, inability to find an appropriate job and loss of a job may result in loss of otherwise eligible time to work. Once permission to work for twelve months has been granted, more than likely you will not be able to cancel the approval and the time frame will be lost. Exception: If you receive the EAD card before the work is to begin, you might be able to cancel the OPT. But once the OPT approval date has begun, then you cannot cancel the OPT. Cancellation of OPT is very difficult in the new SEVIS data base system.

### Social Security Numbers

If you plan to work in the U.S., you will need a valid Social Security number (your Lehigh ID is not a valid Social Security Number). If you do not have a Social Security Number you can apply for the number at the Social Security Office at 555 Main Street, Bethlehem. They will process your application and a number will be sent to you in two - four weeks. Applications and the information on how to apply for a Social Security numbers are available at ISS Office.

### Taxes

In general F-1 students who have been in the U.S. for less than five years are exempt from social security taxes (also known as F.I.C.A. tax) and Medicare taxes. You should be sure to notify your employer of this exemption because many employers are not familiar with this provision of the tax laws. The information is located in Tax Publication 519.

F-1 students authorized for practical training employment are subject to all other taxes that may apply: federal, state and local.

### Employment Eligibility Verification

Within the first three days of beginning work, you and your employer must complete a form entitled Employment Verification (USCIS FORM I-9). This form will be kept on file by your employer and must be updated each time you receive a renewal of your work permission.

### Travel Abroad and Re-Entering the United States

Please note: while the OPT application is pending at USCIS, travel outside the U.S. is discouraged.

F-1 students who have been authorized for OPT can travel outside the U.S. if they have the necessary documents to reenter the U.S. You will need (1) a form I-20 endorsed by ISS within the last six months, (2) a valid U.S. visa stamp, (3) the Employment Authorization Document (EAD) issued by USCIS and (4) proof of employment. If you do not have these documents, you may not be allowed to reenter the U.S.

If your F-1 visa stamp has expired, you will need a new one to reenter the U.S. As this may be difficult to do

in some instances, you are urged to consult with ISS before making your travel plans.

#### Failure to Comply with Employment Regulations

It is your responsibility to comply with all immigration regulations that apply to F-1 students, including employment regulations. Working without the proper authorization is a serious violation of your student status. If you fail to comply with your responsibilities, you may not be eligible for benefits normally granted to F-1 students and, in some situations, may be subject to deportation. Before accepting any employment in the U.S., we urge you to consult the Office of International Students and Scholars.

#### Transfer from F-1 OPT To F-1 Studies at a New School

New F-1 rules do not allow a student on OPT to work and go to school at the same time (not even part-time studies is allowed). If you plan to return to school for a full-time program at a new school, Lehigh University will first need to release your SEVIS record to the new school. At this point you will relinquish the remainder of your OPT approval. For Lehigh University to release you, you must contact OISS and give us the name of the new school and the date you plan to begin at the new school and proof that you have been admitted to the new school. Per your request, we will then enter a release date into the SEVIS database system. On this date the new school will be able to see your record in the SEVIS database and only then can the new school issue the new I-20 to you. If you are completed with your OPT this process must be accomplished within the 60 days after the completion date of your OPT.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT OISS AT x 84859.